



Selah Planning Commission
Regular Meeting
Tuesday, December 16, 2014
5:30 p.m.
City Council Chambers

Chairman:
Commissioners:

Willie Quinnell
Dillon Pendleton
Lisa Smith
Eric Miller
Carl Torkelson

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Planner:
Secretary:

Dennis Davison
Caprise Groo

AGENDA

- A. Call to Order - Chairman
- B. Roll Call
- C. Agenda Changes
- D. Communications
 - 1. Oral

This is a public meeting. If you wish to address the Commission concerning any matter that is not on the agenda, you may do so now. Please come forward to the podium, stating your name and address for the record. The Chairman reserves the right to place a time limit on each person asking to be heard.

- 2. Written - None

- E. Approval of Minutes
 - 1. November 4, 2014

- F. Public Hearings
 - 1. Old Business - None
 - 2. New Business - None

- G. General Business
 - 1. Old Business –
 - 2. New Business-
 - 1. Required: OPEN PUBLIC MEETING ACT. training

- H. Reports/Announcements
 - 1. Chairman
 - 2. Commissioners
 - 3. Staff

- I. Adjournment

Next Regular Meeting: To be announced

City of Selah
Planning Commission Minutes
of
November 4, 2014

Selah Council Chambers
115 W. Naches Ave.
Selah, Washington 98942

A. Call to Order

The meeting was called to order by Chairman Quinnell at 5:29 p.m.

B. Roll Call:

Members Present: Commissioners: Miller, Torkelson, Smith, Quinnell, and Pendleton.

Members Absent:

Staff Present: Dennis Davison, Community Planner; Caprise Groo, Secretary

Guests:

Mr. Davison addressed the audience about the issues before the Planning Commission. The first item: Correct 2 lines of text on page 8 of the June 2014 minutes. The second item: Selah Municipal Code, Title 10 Chapter 10.28 text amendment. He explained that no other issues were scheduled to be discussed by the Planning Commission but took questions and held a short discussion concerning zoning, SEPA, and availability of public information.

Chairman Quinnell addressed the agenda:

C. Agenda Change None

D. Communications

1. Oral –

Chairman Quinnell: "This is a public meeting. If you wish to address the Commission concerning any matter that is not on the agenda, you may do so now. Please Come forward to the podium, stating your name and address for the record. The Chairman reserves the right to place a time limit on each person asking to be heard."

Mr. Worby, 200 Weems Way, addressed concerns about municipal code complexities, language and zoning.

Mr. Davison explained the state Growth Management Act and how the Council revisited the Comprehensive Plan in 2005. At that time the zoning code was changed to permit duplexes in the R-1 zone, however, it did not carry over to the table. Mr. Davison stated that the Hearing Examiner had suggested that the table and the text should match.

Mr. Davison and Mr. Worby continued to discuss the Growth Management Act, duplexes and zoning.

Mr. Worby suggested an impact fee on all new construction would help support the local schools.

Mr. Davison explained that an impact fee was once suggested but that it had not been implemented for certain reasons.

Mr. Worby, Mr. Davison and the Commissioners discussed the practicality of an impact fee and how it could be used.

Chairman Quinnell asked if anyone else would like to speak.

Dr. Richard Weller, 50 Herlou Place, addressed concerns about the SEPA process and what warrants additional studies.

Mr. Davison discussed the SEPA process and what affected agencies the report is sent to. He stated that any comments that come in were addressed by the City Administrator. After a comment period, the administrator can revise the determination if need be. Mr. Davison stated that SEPA is an administrative function.

Chairman Quinnell asked if anyone else would like to speak.

Mr. Stan Taylor, 50 Weems Way, expressed concerns about a 20 foot wide road that would not be maintained by the city.

Chairman Quinnell responded that with all due respect that was not on the Agenda.

Commissioner Torkelson responded that Mr. Davison had covered that issue.

Chairman Quinnell closed the session of oral communication.

2 Written – None

E. Approval of Minutes

1. October 27, 2014 minutes:

Chairman Quinnell requested an approval, disapproval or corrections of the October 27, 2014 minutes.

Commissioner Torkelson motioned to approve the minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the minutes were passed with a vote of 5-0.

F. Public Hearing

1. Old Business - None
2. New Business - None

G: General Business

1. Old Business – None
2. New Business-

1. Correct 2 lines of text on page 8 of the June 2014 Minutes.

Chairman Quinnell requested a motion to approve or disapprove the correction.

Commissioner Torkelson motioned to approve the correction to the June 2014 Minutes.

Commissioner Smith seconded the motion.

Chairman Quinnell called for a voice vote and the correction was passed with a vote of 5-0.

2. Selah Municipal Code, Title 10 Chapter 10.28

Mr. Davison presented the staff report and the attachments:

CITY OF SELAH PLANNING COMMISSION STAFF REPORT

(Prepared October 31, 2014)
(Public hearing November 4, 2014)

FILE NO.: Zoning Ordinance Text Amendment 2014-01

PROPOSAL: Amend Selah Municipal Code, Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes

PROPONENT: City of Selah Planning Department

HISTORY: Selah Municipal Code, Title 10 28, initially created in 2004.

SURROUNDING LAND USE: Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

VICINITY ZONING: Not applicable as the proposed zoning ordinance text amendments would apply throughout the municipality.

2005 CITY OF SELAH URBAN GROWTH AREA COMPREHENSIVE LAND USE PLAN:

Applicable Goals and Policies:

Policy LUGM 3.2: Direct development to areas where infrastructure (water, sewer and street) is either present, can be easily extended, or is planned to be extended.

APPLICABILITY: The proposed zoning ordinance text amendments would further the Housing Goals within the municipality and provide for a mixture of housing types as contemplated in SMC, Title 10.12.040.

STAFF RECOMMENDATION: Approval of the proposed zoning ordinance text amendments to Selah Municipal Code Title 10, Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes to implement SMC, Title 10.12.040. This recommendation is supported by a recommendation by the Hearing Examiner.

CHAPTER 10.28

PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES

TABLE A-5

See Chapter 10.06.020 for an explanation of Use Categories

CITY OF SELAH ZONING ORDINANCE, TITLE 10, CHAPTER 28, TABLE A-5							
PERMITTED USES BY ZONING DISTRICT	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
MINING / REFINING / OFF-SITE HAZARDOUS WASTE TREATMENT							
Asphalt, roofing material manufacture, rock crushing							3
Mining*, including sand and gravel pits							3
Off site hazardous waste treatment and storage facilities*						3	3
RESIDENTIAL							
Accessory structure, use or building*	1	1	1	1	1	1	1
Detached single family dwelling*	1	1	1				
Manufactured home*/Mobile home* (See 10.08.140)	1						
Two family dwelling (duplex) * (See 10.28.040[1])		1(1)	1	1			
Multiple family dwelling*: 0-5 DUA			2	1			
< 6-12 DUA			2	1			
> 12 DUA				1			
Manufactured home parks* (See 10.28.040[e])				3			

Retirement apartments			2	1			
Home occupations* (See 10.28.040[o])							
Minor Home Occupations* (See 10.28.040[o])	1	1	1	1	1	1	
Major Home Occupations* (See 10.28.040[o])	2	2	2	2	2	1	

CHAPTER 10.12

ONE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT

Sections:

10.12.010 Purpose.

10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.

10.12.030 Lot size.

10.12.040 Designated two family residential lots.

10.12.010 Purpose. The One-Family Residential (R-1) Zoning District is established to provide for single family residential development where urban governmental services are currently available or will be extended by the proponent to facilitate development at no public cost.

Specifically, the intent of this district is to:

- (1) Provide for an orderly, phased transition from vacant or partially developed land to single family residential development;
- (2) Facilitate coordinated and collaborative public infrastructure investment;
- (3) Require individual lot connections to municipal water and sewer systems;
- (4) Require developments to meet the City's minimum urban development standards;
- (5) Particular emphasis shall be given to ensuring that R -1 uses and land divisions will facilitate future urban development and extension of utilities.

10.12.020 Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses.

Class 1 Permitted, Class 2 Administrative and Class 3 Conditional Uses as listed in Chapter 10.28, Table A.

10.12.030 Lot size.

(1) The minimum lot size requirements for any newly created lot (including lot line adjustments) in this district are progressive based on slope and utility provisions:

<u>Slope</u>	<u>Water and Sewage System</u>	<u>Minimum lot size</u>
< 10%	Municipal water and sewage system	8,000 sq.ft.
> 10% < 15%	Municipal water and sewage system	10,000 sq.ft.
> 15% < 20%	Municipal water and sewage system	1/2 acre
> 20% < 25%	Municipal water and sewage system	1 acre
> 25%		5 acres

(2) Subdivision designs shall ensure that adequate setbacks, buffering of adjoining uses and sensitivity to physical features are achieved. Lot sizes shall be increased to accommodate specific uses, lot coverage, setbacks, access, landscaping and other requirements as provided in this title.

10.12.040 Designated two family residential lots. Within a proposed land division of ten (10) or more lots ten (10) percent of the lots may be designated for a future two family dwelling. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of said approval.

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

The minimum lot size requirement of any lot(s) designated for a future two family dwelling shall be a minimum of 9,000 sq. ft. or such minimum lot size based on slope specified in Section 10.12.030.

Existing text in the One-Family Residential (R-1) zone
--

Proposed amendment of existing text in the One-Family Residential (R-1) zone
--

Chairman Quinnell asked if the Council was catching the table up with the verbiage that was drafted in 2004.

Mr. Davison stated that this created continuity between the table, the text and the regulatory notes.

Commissioner Torkelson: "This was reviewed by the hearing examiner?"

Mr. Davison stated that this was reviewed by the Hearing Examiner and an application was rejected because there was no continuity between the text and the table. All this does is correct that and allow the Hearing Examiner to consider it.

Commissioner Miller asked "There is no requirement that a lot designated for a duplex has to be used for duplex but it gives them the option?"

Mr. Davison stated yes it gives them the option but it does not mean the Hearing Examiner will approve it.

Commissioner Torkelson asked "Did Mr. Noe look this over?"

Mr. Davison stated that Mr. Noe had looked it over.

Commissioner Smith asked why they proposed putting an R-2 in an R-1 zone. Why put it out there in the first place?

Mr. Davison stated that the Growth Management Act wanted to see a variety of housing and densities. This was a state goal.

Chairman Quinnell asked if there were any other questions or comments. He opened the discussion to the public and asked if there were any proponents /opponents that would like to speak.

Mr. Worby, 200 Weems Way, stated his objections to R-2 housing in an R-1 zone.

Commissioner Miller and Mr. Worby debated the issue.

Commissioner Smith stated that in the future the public would still have the option to oppose a planned development that used a duplex in an R-1 zone.

All Commissioners and Mr. Worby discussed the process a Planned Development goes thru to get approval.

Mr. Aaron Thomas, 111 Herlou Dr., expressed his concern that developers were deciding what was good for the community and not the City Council and that it diminished the community strength.

Commissioner Torkelson: The developer still has to go through the City Council to get approval and the Council can still turn them down.

Commissioner Miller explained that there are many different types of living arrangement that this type of housing would work for (Accessibility).

Mr. Thomas: Still opposed to it.

Commissioner Smith explained that there are 2 different entities that look at planned developments and that the public would still have an opportunity to voice their opinion.

Mr. Mark Weller, 110 Lyle Loop, expressed concern that people are not being heard.

Commissioner Torkelson explained that people were being encouraged to attend the open public meetings.

Mr. Thompson was concerned that the best interests of the public, those currently living here, were not being heard.

Mr. John Richards, 65 Lyle Ave., was concerned because the 10.28 tables didn't list Planned Development.

Commissioner Torkelson stated that this ordinance and Planned Development were two different sections of the code. What is being dealt with is a chart did not fit the ordinance; we were trying to make coincide.

Mr. Richards expressed concern about Planned Development Zoning and that current zoning may not be the same.

Commissioner Miller stated that the Planning Commission considers the impact of a development.

Commissioner Torkelson stated that the density will be the same or less with a Planned Development.

Mr. Worby asked if a duplex could be put in an R-1 if it is a Planned Development.

Commissioner Torkelson stated a Planned Development and an R-1 are never the same.

Mr. Davison explained the comprehensive plan, zoning and density.

Discussion ensued between Commissioner Torkelson, Commissioner Miller and Mr. Worby about planned developments and density.

Mr. Davison stated that a site plan is fixed. If it is to be changed at any time it has to be reviewed.

Commissioner Miller and Commissioner Torkelson tried to clarify density for Mr. Worby.

Katie Fountaine, 510 Southern Ave., stated she opposed any code adjustment that would increase the density of housing. She was concerned that home ownership may not be a priority.

Chairman Quinnell: Asked if anyone else would like to speak.

Tisha Busey, 1312 City Reservoir Rd., questioned what the level of review was for allowing duplexes in R-1 zones.

Mr. Davison stated that it was a Level 1 review and is also reviewed by Code Enforcement.

Mrs. Busey asked if there were different things that had different levels of review.

Commissioner Miller stated that in a new development it gives the developer an option to designate one in ten for duplex use.

Mrs. Busey asked if this would be automatic and not go before review.

Commissioner Torkelson stated that because there were ten lots in play it was a long plat that it would go before the Hearing Examiner and a public hearing before it went to counsel.

Commissioner Miller stated that this was just the opening first step and that there were other possibilities.

Mr. Davison explained the process that the developer goes through to get approval.

Mrs. Busey stated that she had forgotten that this was for 10 lots or more. She did understand that it could be useful as a buffer to hubs of greater activity.

Mr. Davison stated that this was useful in heavy traffic areas. Mr. Davison stated that a short plat goes to the hearing examiner, public hearing and then to council for approval.

Mrs. Busey was concerned that there was a breakdown of communication between the public and the city.

Mr. Bill Eller, 11 Terry Place, stated he is opposed to R-2 in an R-1 zone. He stated he would like this removed from the code.

Chairman Quinnell Closed the public comment session and proceeded with Selah Municipal Code, Title 10, Chapter 10.28.

Commissioner Smith asked if the Commissioners could remove this section of the code.

Commissioner Quinnell asked if the Commissioners could remove 10.040 at this time.

Mr. Davison stated that it could not be done at this time, there would have to be another meeting after it when through the process to be removed.

Commissioner Torkelson stated that this would be the perfect blend if it was done in the right circumstances.

Commissioner Miller stated it had to be designated upfront.

Commissioner Torkelson stated that there would still be discussed if it was used.

Commissioner Smith asked if additional language could be added to 10.12.040 to make sure due diligence was followed.

Mr. Davison explained that duplexes in an R-1 zone have to be designated and still it could be denied.

Chairman Quinnell stated the safety process was there.

Mr. Davison agreed that the safety process was there and if the City Council or the Hearing Examiner thought something was wrong they could remand it back.

Commissioner Miller stated he sees the safety net and that duplexes are not a bad thing.

Chairman Quinnell asked if there were any comments.

Mr. Davison asked Commissioner Smith what kind of language she would like added.

Commissioner Smith stated something to the effect that consideration to the surrounding area... (Written word given to Mr. Davison).

Commissioner Torkelson stated he thought it would take care of its self.

Chairman Quinnell stated that he did not know if additional language was necessary but it couldn't hurt.

Commissioner Smith stated that it would give her piece of mind.

Commissioner Quinnell:

CITY OF SELAH PLANNING COMMISSION FINDINGS AND DECISION

THIS MATTER having come on for public hearing before the City of Selah Planning Commission on November 4, 2014, following a remand from the Selah City Council for further consideration. The Commission is reconsidering zoning ordinance text amendments #2014-01 to Selah Municipal Code Title 10, (Zoning Ordinance), Chapter 10.28, Table A-5 and Chapter 10.28.040 Regulatory Note (I).

The members of the Commission present were MILLER, PENDLETON, QUINNELL, TORKELSON and SMITH.

Legal notification pursuant to Selah Municipal Code was given on the 26th day of October 2014. All persons present were given the opportunity to speak for or against the proposed text amendments.

ZONING ORDINANCE TEXT AMENDMENT FINDINGS

Comprehensive Plan Goals and Policies

1. The proposed zoning ordinance text amendments will or will not, as indicated below, further the following goals and their underlying policies of the 2005 City of Selah Urban Growth Area Comprehensive Plan.

GOAL	WILL FURTHER	WILL NOT FURTHER	N/A
a. Promote orderly growth	XX		
b. Avoid incompatible land uses	XX		
c. Encourage the provision of housing to meet the needs of all segments of the community	XX		
d. Preserve natural resources			XX
e. Protect against flooding and drainage problems			XX
f. Maintain and improve air and water quality			XX
g. Maintain an efficient transportation system			XX
h. Provide efficient and effective public services at the lowest possible cost	XX		

CHANGED CIRCUMSTANCES

2. The Planning Commission finds **THE FOLLOWING CHANGES** in circumstances which justifies the proposed zoning ordinance text amendment:

The initial adoption of Selah Municipal Code Title 10, Chapter 10.28 did not provide any reference in Title 10, Chapter 10.28, Table 5-A or Chapter 10.28.040 Regulatory Notes to the provision of Chapter 10.12.040, which would permit duplexes on specifically designated lots within new subdivisions zoned One Family Residential (R-1) The original purpose of Chapter 10.12.040 was to create a diversity of housing structures and promote affordable housing within the One Family Residential (R-1) zone. The Commission finds that with continued population growth there is a need to provide for greater zoning flexibility when developing property. Said text amendments are in furtherance of the public health, safety and general welfare of the people within the City of Selah.

NEED FOR THE PROPOSED TEXT AMENDMENT

3. The Planning Commission **FINDS** that within the City of Selah and within Selah Municipal Code Title 10 there is a demonstrated and/or recognized need to expand the opportunity and flexibility of Chapter 10.28, Table 5-A and Chapter 10.28.040 Regulatory Notes.

PUBLIC OPINION

4. The public testimony that was offered was **IN OPPOSITION OF** the proposed text amendments.

ENVIRONMENTAL REVIEW

5. The Planning Commission finds that environmental review has been completed on the proposal and further finds that such environmental review was **ADEQUATE**.

CONTROLLING FACTORS

The Planning Commission determines that **ALL OF THE ABOVE** findings to be controlling factors in its deliberations on the proposed zoning ordinance text amendments.

DECISION

The Planning Commission, based upon the aforementioned findings and controlling factors, finds that the proposed zoning ordinance text amendments **IS** in furtherance of the public health, safety and general welfare of the people; therefore, the proposed zoning ordinance text amendments should be **APPROVED** and additional amendatory language is to be added to Chapter 10.12.040:

Careful consideration of adjacent properties by the Hearing Examiner shall be made ensuring harmonious compatibility.

Motion to **APPROVE** by: **SMITH**

Seconded by: **TORKELSON**

Vote: 5 to 0

H. Reports/Announcements

1. Chairman –
2. Commissioners –
3. Staff –

I. Adjournment

Chairman Quinnell asked for a motion to adjourn. Commissioner Miller moved to adjourn and Commissioner Torkelson seconded the motion. The meeting was adjourned at 7:29 pm with a voice vote of 5-0.

Chairman

Overview of Open Government in Washington State: Open Public Records and Open Public Meetings



Prepared by Washington State Attorney General's Office
Last revised: April 2014

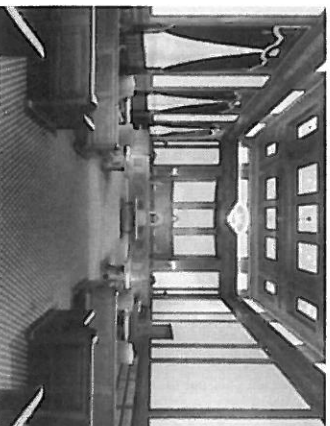


Historical Open Government Principles

"A popular Government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance...." ~ *James Madison*



"...a nation that is afraid to let its people judge the truth and falsehood in an open market is afraid of its people." ~ *John F. Kennedy*



"It has been said time and again in our history by political and other observers that an informed and active electorate is an essential ingredient, if not the *sine qua non* * in regard to a socially effective and desirable continuation of our democratic form of representative government."

~ *Washington State Supreme Court*

*indispensable action

Open Government Laws are often called “Transparency Laws” or “Sunshine Laws”



This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “*Sunlight is the best disinfectant.*”



Transparency builds public confidence in government.

Washington - Two Different Statutes

Open Public Records

RCW 42.56

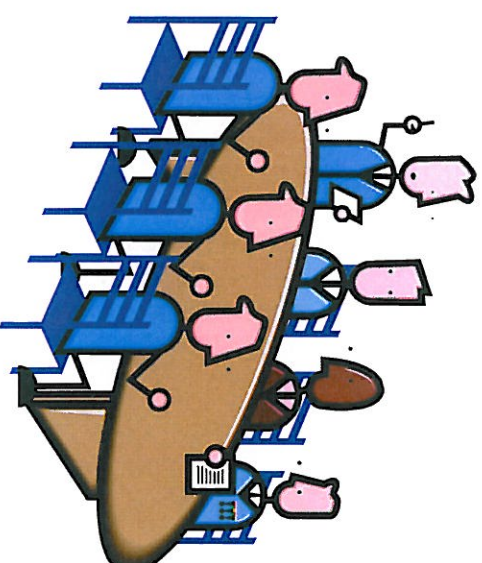
Public Records Act
(PRA)



Open Public Meetings

RCW 42.30

Open Public Meetings Act
(OPMA)



Intent

Open Public Records

- “The people of this state do not yield their sovereignty to the agencies that serve them.”
- “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so that they may maintain control over the instruments that they have created.”
- The “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.”

Open Public Meetings

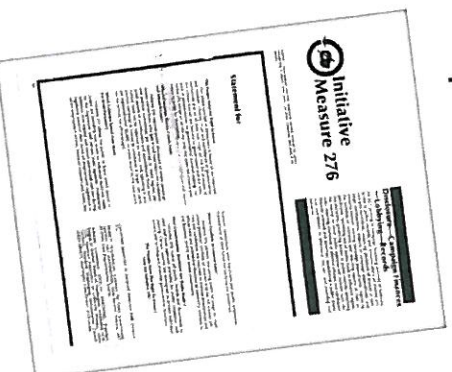
- “The people of this state do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so that they may retain control over the instruments they have created.”



History

Open Public Records

- PRA passed via Initiative 276 in 1972. Formerly in RCW 42.17 – now RCW 42.56.
- Applies to all public agencies, state and local.
- Does not apply to courts.
- Limited application to Legislature.
- Applies to “public records” which are defined to include “writings.”
- Records are open unless there is an exemption authorized by law.



Open Public Meetings

- OPMA passed in 1971. RCW 42.30. Minutes requirement in another law - RCW 42.32.
- Applies to all multimeter public agency boards and commission governing bodies, and their committees.
- Does not apply to courts.
- Does not apply to Legislature.
- Requires meetings of governing body to be open gavel-to-gavel, unless there is an exception authorized by law.



Touchstone:



Open Public Records

- Records of public agencies are presumed open.
- PRA is to be liberally construed.
- Records or information in records can be withheld only by law (e.g. exemption in law).

Open Public Meetings

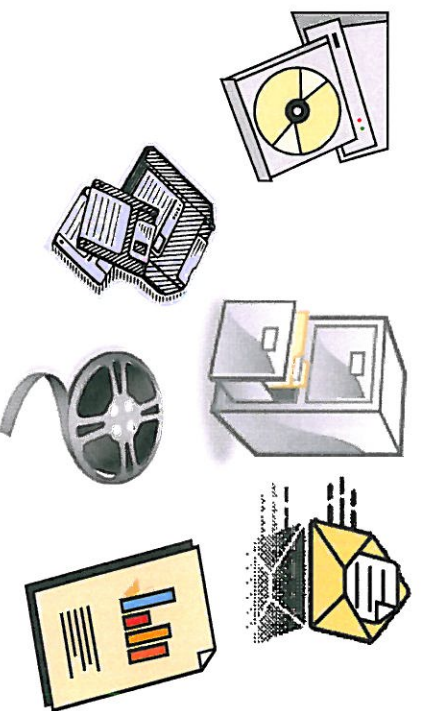
- Meetings of agencies subject to the OPMA are presumed open.
- OPMA is to be liberally construed.
- Meetings or parts of meetings can be closed only by law (e.g. executive sessions).

Scope

Open Public Records

PRA applies to “any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

- Includes paper records, electronic records, emails, overheads, photographs, CDs, microfiche, etc.



Open Public Meetings

OPMA applies to multi-member public state and local agencies, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.



Withholding Records or Closing Meetings



Open Public Records

- Withholding a public record or some information in a public record must be authorized by law.
- Only the exempt information can be withheld.
- Agency must cite basis and give brief explanation.
- Exemptions from disclosure must be narrowly construed.

Open Public Meetings

- Closing a meeting or part of a meeting subject to OPMA must be authorized by law – e.g., for listed purposes in OPMA.
- Agency must provide reason where required, e.g., announce reason for going into executive session.

Enforcement & Penalties



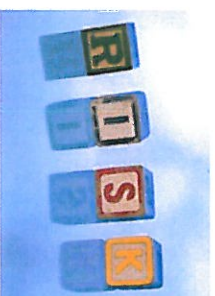
Open Public Records

- PRA enforced by courts, for claims listed in PRA.
- RCW 42.56.550, .565
 - Court can impose statutory penalties to be awarded to requester.
 - Court will order payment of requester's attorneys fees & costs.
 - Court can also order disclosure of all or part of withheld record, or non-disclosure of part or all of record.

Open Public Meetings

- OPMA enforced by courts, for claims listed in OPMA.
- RCW 42.30.120, .130.
 - Court can impose a \$100 civil penalty against each member.
 - Court will award costs and attorney fees to a successful party seeking the remedy.
 - Action taken at an improperly closed meeting can be declared null and void.

Risk Management Tips



Open Public Records

Agencies should:

- Establish a culture of compliance with the PRA, beginning with agency leadership and support.
- Review their PRA procedures.
- Review available resources; institute best practices.
- Keep updated on current developments in PRA; correctly apply law.
- Consult with agency's legal counsel.
- Train appropriate staff and officials about the PRA's requirements.
 - > Legislature enacted training requirements in 2014. Chap. 66, 2014 Laws.
 - > State Supreme Court said evidence of PRA training for agency staff can reduce penalties, & lack of training can increase penalties.

Open Public Meetings

Agencies subject to

OPMA should:

- Establish a culture of compliance with the OPMA, beginning with agency leadership and support.
- Review their OPMA procedures.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
- Consult with agency's legal counsel.
- Train members subject to the OPMA about the law's requirements.
 - > Legislature enacted training requirements in 2014. Chap. 66, 2014 Laws.

Information



Open Public Records

- Attorney General's Office has appointed Assistant Attorney General for Open Government to provide information about the PRA.
- AGO has issued Model Rules.
- AGO may provide technical assistance and training.
- AGO has an online Open Government Deskbook and other materials and resources on its website, including training resources.
- AGO can review exemption from disclosure cited in state agency records, and issue informal opinion.
- AGO can issue formal opinions (for qualified requesters).

Open Public Meetings

- Attorney General's Office has appointed Assistant Attorney General for Open Government to provide information about the OPMA.
- AGO may provide technical assistance and training.
- AGO has an online Open Government Deskbook and other materials and resources on its website, including training resources.
- AGO can issue formal opinions (for qualified requesters).

